HON'BLE SRI JUSTICE A.GOPAL REDDY

Crl.P.Nos.4020/2007 and 6247/2007

Date of Order: 24-9-2010

Crl.P.Nos.4020/2007:

1. T.Ananda Babu and others

…Petitioners

V.

1. The State of Andhra Pradesh, represented by its Public Prosecutor, High Court of A.P., Hyderabad and another.

..Respondents

The Court made the following:

THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

Crl.P.Nos.4020/2007 and 6247/2007

Common Order:

Since the parties in both the criminal petitions are almost one and the same, they are being heard together and disposed of by this common order.

Heard the learned counsel for the petitioners in both the criminal petitions, and the defacto-complainant who appeared party in person.

Crl.P.No.4020/2007 and Crl.P.No.6247/2010 are filed under Section 482 Cr.P.C., to quash the proceedings initiated against the petitioners in Cr.No.137/2007 on the file of Police Station, Central Crime Station. Hyderabad and CC No.223/2007 on the file of VI Metropolitan Magistrate, Medchal, Cyberabad, Ranga Reddy District, respectively.

The second respondent-defacto complainant in Crl.P.No.4020/2007 lodged a complaint before XII Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad against her husband and in-laws and others for the offences punishable under Sec.498-A, 406, 420 IPC and Sec.4 and 6 of Dowry Prohibition Act,1961. On Magistrate forwarding the said complaint to the police, police of Central Crime Station, Hyderabad registered a case in Cr.No.137/2007, which is now sought to be quashed. Further, on lodging a complaint with the Inspector of Police, Jeedimetala, by the second respondent-defacto complainant in Crl.P.No.6247/2010, police registered a crime and after due investigation laid a charge sheet, which was taken on file by VI Metropolitan Magistrate at Medchal as CC No.223/2007, which is sought to be quashed.

The allegations levelled in the complaint lodged by the second respondent-defacto complaint, on which basis Cr.No.137/2007 was registered, are that she is the legally wedded wife of A-1; A-2 and A-3 are the parents of A-1 and they are residing at 208, II Main, I Block, BEL Layout, Vidyaranyapura, Bangalore; A-5, who is RMP Doctor and Real Estate Broker, is the maternal uncle of A-1 and is residing at Hindupur; A-6 is the wife of A-5 and is working as Nurse in the Primary Health Center in Pargi, Anantapur District; A-4 is the brother of A-1; all the accused tortured her physically and mentally for additional dowry though they have taken 50 tolas of gold, 2 kgs of silver and Rs.10 lakhs as dowry, from her parents; after retirement, her father purchased Ac.22-00 of land in Vutukur village, through the broker who was introduced by A-5, and out of the said extent an extent of Ac.11-56 was registered in the name of her mother; A-5 and A-6;; after marriage at Hindupur, she joined the marital home of A-1 at Bangalore and later marriage was consummated at her brother's residence; A-5 and A-6 pressurized her to transfer the land in the name of A-1 and threatened her that unless the and is gifted to A-3 they will not allow her to live with A-1; A-1 left her at her brother's house in Bangalore in the last week of July, 2006, where they have demanded for additional dowry and transfer of the property and since then she is residing with her parents.

From the entire allegations levelled against the petitioners, it is clear that entire acts alleged have taken place at Bangalore. Since it is a cognizable offence, police are bound to register the crime and forward the same to the competent police station, which will have jurisdiction over the area where alleged harassment took place for investigation and file report before the competent court having jurisdiction to try the office alleged, as held by the Supreme Court in ***Y.ABRAHAM AJITH V. INSPECTOR OF POLICE*** (2004(8) SCC 100). Therefore, it is not a fit case where this court can scuttle the enquiry at the initial stage.

Coming to the Crl.P.No.6247/2010, learned VI Metropolitan Magistrate, Medchal, Cyberabad, Ranga Reddy is directed to take into consideration the evidence of LWs, which has not been made available before this court to pass orders on merits nor any ground is taken by the petitioners that the court at Hyderabad will not have any jurisdiction to take the charge sheet on file, while considering the application, if any, filed by the petitioners to discharge them of the criminal proceedings, for want of jurisdiction in the light of the law declared by the Supreme Court in ***Y.ABRAHAM AJITH V. INSPECTOR OF POLICE*** (supra).

In the result, Crl.P.No.4020/2007 is dismissed and Crl.P.No.6247/2010 is disposed of with the above direction.

_____ A.GOPAL REDDY, J.

Dt.24-9-2010
Kmr